

PLANNING DEPARTMENT  
Department of Planning, Building and Code Enforcement  
1 North First Street, Room 400  
San José, California 95110-1795

STAFF REPORT

Planning Department Item Number	P.C. 4/28/04	Item 3.b.
File Number	CP03-079	
Application Type	Conditional Use Permit	
Council District	2	
Planning Area	Edenvale	
Assessor's Parcel Number(s)	704-30-055	

PROJECT DESCRIPTION	Completed by: Jeff Roche
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Location: Northeastly corner of San Ignacio Avenue and San Anselmo Way (6670 San Anselmo Way)		
Gross Acreage: 8.83	Net Acreage: 8.83	Net Density: n/a
Existing Zoning: R-1-8 Single-Family Residence	Existing Use: Vacant Public School	
Proposed Zoning: No Change	Proposed Use: Private School	

GENERAL PLAN	Completed by: JR
Land Use/Transportation Diagram Designation Public/Quasi-Public	Project Conformance: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> See Analysis and Recommendations

SURROUNDING LAND USES AND ZONING		Completed by: JR
North: Detached Residential	R-1-8 Single-Family Residence	
East: Detached Residential	R-1-8 Single-Family Residence	
South: Detached Residential	R-1-8 Single-Family Residence	
West: Detached Residential	R-1-8 Single-Family Residence	

ENVIRONMENTAL STATUS	Completed by: JR
Environmental Impact Report found complete Negative Declaration circulated on Negative Declaration adopted on	<input checked="" type="checkbox"/> Exempt <input type="checkbox"/> Environmental Review Incomplete

LEGISLATIVE HISTORY	Completed by: JR
Initiation Title: Oak Grove No. 18 and No. 11	Date: 3/23/1966 and 5/03/1968

PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION		
Approval Approval with Conditions Denial Uphold Director's Decision	Date: _____	Approved by: _____ <input checked="" type="checkbox"/> Action <input type="checkbox"/> Recommendation

PROPERTY OWNER/APPLICANT	CONTACT PERSON	
Oak Grove School District Attn: Hardy Childers 6578 Santa Teresa Boulevard San José, CA 95119	Oak Grove School District Attn: Hardy Childers 6578 Santa Teresa Boulevard San José, CA 95119	

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**PUBLIC AGENCY COMMENTS RECEIVED**

Completed by: JR

Department of Public Works

See attached memorandum (dated, 1/21/04) and email (dated, 3/30/04)

Other Departments and Agencies

See attached memorandum from the Fire Department, (dated 1/08/04).

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**GENERAL CORRESPONDENCE**

See attached letters/email from Oak Gove School District (dated, 12/18/03, 4/01/04, and 4/22/04) and letters/email from the neighborhood (dated, 4/19/04 and 4/20/04).

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**ANALYSIS AND RECOMMENDATIONS**

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**BACKGROUND**

The property owner, Oak Grove School District, has proposed to lease their facility on a long-term basis to Stratford School. The District operated the San Anselmo site as a public school for over thirty years until June 2003, when due to budget constraints, the District closed the school. Stratford School is a private pre-school and elementary school that has four campuses in the Bay Area. The four existing Stratford campuses are located in Danville, Fremont, Los Gatos and Sunnyvale. The proposed fifth campus is the subject of this Conditional Use Permit. Private schools require a Conditional Use Permit in all residential Zoning Districts. This CUP also functions as a Site Development Permit for minor exterior site improvements.

The subject site was previously used as a public school. Surrounding land uses include detached residential uses on all four sides.

**ENVIRONMENTAL REVIEW**

The Environmental Quality Act, Section 15301 Existing Facilities - Class 1, specifies that projects may be found *exempt* which consist of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

Staff has concluded that the project involves the use and minor alteration of an existing facility involving negligible or no expansion of use beyond that for which the facility was constructed. Based on this analysis, the Director of Planning has determined that this project is exempt from further environmental review under the provisions of the California Environmental Quality Act.

**GENERAL PLAN CONFORMANCE**

The proposed private school use is consistent with the San José 2020 General Plan Land Use/Transportation Diagram designation of Public/Quasi-Public.

## **PUBLIC OUTREACH**

A notice of the Planning Commission public hearing was mailed to all owners and tenants of property within a 500-foot radius of the project site. Staff has received two letters/emails from neighbors. Copies of this correspondence have been attached to this report. Staff has been available to discuss the project with members of the public.

## **ANALYSIS**

The key issues analyzed for the proposed project are land use compatibility and pedestrian/traffic safety.

### Land Use Compatibility

The site was used for a public school for approximately 30 years until it was closed due to budget constraints in June, 2003. As noted in the attached correspondence from the Oak Grove School District, enrollment at the facility while it was a public school ranged from 641 in 1987-88 to 354 students in 2002.

The new private school, Stratford School, is proposing to utilize the existing building and associated facilities. As conditioned, the new private school would be limited to a maximum of 600 students.

Minor exterior improvements including new doors and windows; an on-site, striped, child drop-off area along the easterly side of the existing building; and new landscaping, bollards, and fencing/gates will be installed as part of this project. The majority of improvements associated with converting this facility from a public to private school consist of interior modifications. The project developer is currently working with both the City of San José Building Division and Fire Department on the interior improvements.

Stratford School will offer pre-school through elementary school (Grade 8). The regular school year will be in session from September through mid-June. The regular school day will be from 8:00 am to 3:30 pm, with extended care being offered before and after school from 7:00 am to 6:00 pm. The applicant has also proposed a summer session, from early July to mid-August. There are no regularly scheduled activities during the evenings or the weekends. At various times during the year, there will be special events, such as back to school nights, open houses, and family picnics. Staff has concluded that the proposed private school operations and activities as described, would be very similar to those of a public school and would not result in new land use compatibility concerns.

### Pedestrian/Traffic Safety

In order to address concerns regarding getting children dropped off and picked up from school, the project developer has proposed to stagger start and departure times, as well as creating a new drop-off/pick-up area on the easterly side of the site. Concerns have also been expressed by one of the neighbors regarding pedestrian/traffic safety. The project developer has agreed to provide a pedestrian/traffic safety plan to address potential safety issues and propose appropriate mitigation measures. This plan will include such items as pedestrian/child crossings, stop signs and other traffic control, crosswalks, and crossing guards. This requirement will allow the applicant to work with

staff from Department of Transportation and Public Works, and to ensure a safe environment for pedestrians during the critical pick-up and drop-off periods.

#### Maintenance

A neighbor has expressed concerns regarding the upkeep of the facility and asked that the playground area and sports fields be kept open after normal school hours. As conditioned by the permit, the property owner and project developer will be required to maintain the facility, including the grounds and fields. The School District staff have indicated that they will continue to maintain the major field areas, with assistance from youth athletic leagues. They have also stated that the existing sports fields and playground equipment will be available after normal school hours, as they were when the site was used as a public school.

#### Conclusion

As proposed and conditioned, staff has concluded that the proposed project will be compatible with the neighborhood and should not result in a significant pedestrian/traffic/ circulation issue in the neighborhood.

### **RECOMMENDATION**

The Planning staff recommends that the Planning Commission approve the requested Conditional Use Permit and include the following findings and conditions in its Resolution.

The Planning Commission finds that the following are the relevant facts regarding this proposed project:

1. The project site is located on the northeasterly corner of San Ignacio Avenue and San Anselmo Way (6670 San Anselmo Way). This Permit would allow a private pre-school and elementary school for up to 600 students in a former public school facility.
2. The site has a designation of Public /Quasi-Public on the adopted San José 2020 General Plan Land Use/Transportation Diagram.
3. The project site is located in the R-1-8 Single-Family Residence Zoning District.
4. Under the provisions of Section 15301 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA), this project is exempt from the environmental review requirements of Title 21 of the San José Municipal Code, implementing the California Environmental Quality Act of 1970, as amended. The project will not have a significant adverse effect on the environment.
5. The subject site is surrounded by detached residential uses on all four sides.
6. The Zoning Ordinance requires a Conditional Use Permit for a private school in the R-1-8 Single-Family Residence Zoning District.
7. The project proposes to allow a private preschool and elementary school for up to 600 students in a former public school facility. As conditioned, the private school will be restricted to a maximum of 600 students. The proposed project includes both an existing and new on-site child

drop-off area. The project developer has proposed that start times for the students at the new private school will be staggered, to minimize potential traffic issues.

8. As conditioned, the project developer will be required to submit a pedestrian/traffic safety plan, to the satisfaction of the Directors of Planning, Public Works and Transportation, prior to recordation of the Permit.
9. Minor modifications to the exterior of the building (including doors and windows) and the site (including fencing, gates, and landscaping) will occur as part of this project.

This Planning Commission concludes and finds, based upon an analysis of the above facts that:

1. The proposed project is consistent with the adopted San José 2020 General Plan Land Use/Transportation Diagram of the City of San José.
2. The proposed project complies with all applicable provisions of the Zoning Ordinance.
3. The proposed project is in compliance with the California Environmental Quality Act.

Finally, based upon the above-stated findings and subject to the conditions set forth below, the Planning Commission finds that:

1. The proposed use at the location requested will not
  - a. Adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area; or
  - b. Impair the utility or value of property of other persons located in the vicinity of the site; or
  - c. Be detrimental to public health, safety or general welfare; and
2. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title, or as is otherwise required in order to integrate said use with the uses in the surrounding areas; and
3. The proposed site is adequately served:
  - a. By highways or streets of sufficient width and improved as necessary to carry the kind and quality of traffic such use would generate; and
  - b. By other public or private service facilities as are required.

In accordance with the findings set forth above, a Conditional Use Permit to use the subject property for said purpose specified above and subject to each and all of the conditions hereinafter set forth are hereby granted. This Planning Commission expressly declares that it would not have granted this permit except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the owner and all subsequent owners of the subject property, and all persons who use the subject property for the use conditionally permitted hereby.

## CONDITIONS PRECEDENT

This Conditional Use Permit and Liquor License Exception Permit shall have no force or effect and the subject property shall not be used for the hereby permitted uses unless and until all things required by the below-enumerated precedent conditions shall have been performed or caused to be performed and this Resolution has been recorded with the County Recorder.

1. **Acceptance and Payment of Recording Fees.** The "Acceptance of Permit and Conditions" form shall be **signed, notarized, and returned** to the Department of City Planning within **60 days** from the date of issuance of the resolution granting the permit. *Failure to do so will result in this permit automatically expiring regardless of any other expiration date contained in this permit.* Fees for recording a Certificate of Permit with the Recorder for the County of Santa Clara must be submitted along with the Acceptance Form.

## CONCURRENT CONDITIONS

The subject property shall be maintained and utilized in compliance with the below-enumerated conditions throughout the life of the permit:

1. **Sewage Treatment Demand.** Chapter 15.12 of Title 15 of the San José Municipal Code requires that all land development approvals and applications for such approvals in the City of San José shall provide notice to the applicant for, or recipient of, such approval that no vested right to a Building Permit shall accrue as the result of the granting of such approval when and if the City Manager makes a determination that the cumulative sewage treatment demand of the San José-Santa Clara Water Pollution Control Plant represented by approved land uses in the area served by said Plant will cause the total sewage treatment demand to meet or exceed the capacity of San José-Santa Clara Water Pollution Control Plant to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority.
2. **Conformance with Plans.** Construction and development shall conform to approved Site Development plans entitled, "Stratford School – 6670 San Anselmo Way" dated, March 30, 2004, on file with the Department of Planning, Building and Code Enforcement and to the San José Building Code (San José Municipal Code, Title 17, Chapter 17.04).
3. **Number of Students/Operation of Facility.** This facility shall be limited to a maximum of 600 students. The private school shall operate in full conformance with all requirements of this Permit, with hours similar to a public school, and in conformance with the correspondence from Oak Grove School District, dated, 12/18/03, 4/01/04, and 4/22/04, on file in the City of San José, Department of City Planning, Building and Code Enforcement. Changes to the operation of the facility as a private school from those letters/emails shall be subject to additional review, to the satisfaction of the Director of Planning.
4. **Nuisance.** This use shall be operated in a manner which does not create a public or private nuisance. Any such nuisance must be abated immediately upon notice by the City.

5. **Anti-Graffiti.** The applicant shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement.
6. **Refuse.** All trash areas shall be effectively screened from view and covered and maintained in an orderly state to prevent water from entering into the garbage container. No outdoor storage is allowed/permitted unless designated on the approved plan set. Trash areas shall be maintained in a manner to discourage illegal dumping.
7. **Pedestrian/Traffic Safety Plan.** Prior to recordation of this Permit, the project developer shall submit a pedestrian/traffic safety plan, to the satisfaction of the Directors of Planning, Public Works and Transportation. This Plan shall include such items as safe pedestrian/child crossings, the need for stop signs, crosswalks and other traffic controls, and crossing guards. All measures identified in this plan shall be implemented by the project developer, to the satisfaction of the Directors of Planning, Public Works, and Transportation.
8. **Landscaping.** Landscaped areas shall be maintained and watered and all dead plant material is to be removed and replaced by the property owner. Irrigation is to be installed in accordance with Part 4 of Chapter 15.10 of Title 15 of the San José Municipal Code, Water Efficient Landscape Standards for New and Rehabilitated Landscaping and the City of San José Landscape and Irrigation Guidelines.
9. **Colors and Materials.** All building colors and materials are to be those specified on the approved plan set.
10. **Fire Lanes.** Fire lanes, suitably designated "FIRE LANE - NO PARKING," shall be provided to the satisfaction of the Fire Chief.
11. **Fire Hydrants.** Public (off-site) and private (on-site) fire hydrants shall be provided as approved and at the exact location specified by Protection Engineering Section of the Fire Department to the satisfaction of the Fire Chief. All existing and new fire hydrants shall be at least 10 feet from all driveways.
12. **Fire Flow.** Required fire flow for the site is 3,250 g.p.m. or as approved in writing by the Fire Chief.
13. **Fire Extinguisher System.** Building(s) shall be provided with an automatic fire extinguisher system. Systems serving more than 100 heads shall be supervised by a remote alarm system to the satisfaction of the Fire Chief.
14. **Visible Street Numbers.** Street numbers shall be visible day and night from the nearest street, either by means of illumination or by use of reflective materials.
15. **Lock Box.** The project developer shall install a lock box on all gates, to the satisfaction of the City of San José, Building Official and Fire Chief.
16. **Street Cleaning and Dust Control.** During construction, the developer shall damp sweep the public and private streets within and adjoining the project site each working day sufficient to remove all visible debris and soil. On-site areas visible to the public from the public right-of-way shall be cleaned of debris, rubbish, and trash at least once a week. While the project is under construction, the developer shall implement effective dust control measures to prevent dust and other airborne matter from leaving the site.

17. **Construction Hours.** Construction shall be limited to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit.
18. **Outside Storage.** No outside sales or storage is permitted except in areas designated on the approved Conditional Use Permit plan set.
19. **Public Works Clearance.** A Development Clearance shall be obtained from the Public Works Department, Room 308, (408) 277-5161, and is subject to the following requirements (3-16681) to the satisfaction of the Director of Public Works:
  - a. *Public Works Clearance for Building Permits.* Prior to the issuance of Building Permits, the project developer will be required to satisfy all Public Works conditions .
  - b. *Sewage Fees:* In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.
  - c. *Grading/Geology.* The project site is within the State of California Seismic Hazard Zone. A Soil Investigation Report addressing the hazard of liquefaction must be submitted to, reviewed, and approved by the City Geologist prior to the issuance of a Public Works Clearance.
  - d. *Street Improvements.* The project developer shall remove and replace broken or uplifted curb, gutter, and sidewalk along the project's street frontages. Install handicap ramp at the corner of San Anselmo Way and San Ignacio Avenue. Install handicap ramps at opposite returns across San Anselmo Way and San Ignacio Avenue.
20. **Building Clearance for Issuing Permits.** Prior to the issuance of a Building Permit, the following requirements must be met to the satisfaction of the Chief Building Official:
  - a. *Construction Plans.* This permit file number, CP 03-079, shall be printed on all construction plans submitted to the Building Division.
  - b. *Construction Conformance.* A project construction conformance review by the Planning Division is required. Planning Division review for project conformance will begin with the initial plan check submittal to the Building Division. Prior to final inspection approval by the Building Department, Developer shall obtain a written confirmation from the Planning Division that the project, as constructed, conforms to all applicable requirements of the subject Permit, including the plan sets. To prevent delays in the issuance of Building Permits, please notify Planning Division staff at least one week prior to the final Building Division inspection date.

## CONDITIONS SUBSEQUENT

1. **Permit Expiration.** This Conditional Use Permit shall automatically expire two years from and after the date of adoption of the Resolution by the Planning Commission, or by the City Council on appeal, granting this Permit, if within such two-year period, the proposed use of this site or the construction of buildings has not commenced, pursuant to and in accordance with the provisions of this Conditional Use Permit. The date of adoption is the date the Resolution



granting this Conditional Use Permit is approved by the Planning Commission. However, the Director of Planning may approve a Permit Adjustment to extend the validity of this Permit for a period of up to two years. The Permit Adjustment must be approved prior to the expiration of this Permit.

2. **Revocation, Suspension, Modification.** This Conditional Use Permit may be revoked, suspended or modified by the Planning Commission, or by the City Council on appeal, at any time regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing in accordance with Part 3, Chapter 20.44, Title 20 of the San José Municipal Code it finds:
  - a. A violation of any conditions of the Conditional Use Permit was not abated, corrected or rectified within the time specified on the notice of violation; or
  - b. A violation of any City ordinance or State law was not abated, corrected or rectified within the time specified on the notice of violation; or
  - c. The use as presently conducted creates a nuisance.
- c: Joseph C. Wagner/Marc Tsuchiya, Stratford School, 1196 Lime Drive, Sunnyvale, CA 94087  
Helen Blain, 241 Prague Drive, San José, CA 95119  
Mike Anderson, 6738 Cielito Way, San José, CA 95119